

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **EDCV 24-2094 JGB (DTBx)** Date September 12, 2025

Title ***Elizabeth Sutton v. Reliance Standard Life Insurance Company***

Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE**

**MAYNOR GALVEZ**

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: Order to Show Cause for Failure to Timely File Joint Rule 26(f) Report (1) COMPELLING the Parties to File Their Joint Rule 26(f) Report No Later Than October 7, 2025 and (2) CONTINUING the Scheduling Conference to October 20, 2025 at 11:00 am (IN CHAMBERS)**

On October 1, 2024, plaintiff Elizabeth Sutton (“Plaintiff”) filed a complaint against defendant Reliance Standard Life Insurance Company (“Defendant”). (“Complaint,” Dkt. No. 1.) On January 8, 2025, Defendant filed an answer. (“Answer,” Dkt. No. 14.)

On February 13, 2025, the Court issued an order setting a scheduling conference for May 5, 2025. (“Order Setting Scheduling Conference,” Dkt. No. 17.) On April 16, 2025, Defendant filed a joint 26(f) discovery plan and request to continue scheduling conference for 90 days. (Dkt. No. 21.) The Court granted the 90-day continuance and set a scheduling conference for August 11, 2025. (Dkt. No. 24.) On July 28, 2025, Defendant filed a joint rule 26(f) discovery plan and second request to continue scheduling conference for 90 days. (Dkt. No. 25.) On July 29, 2025, the Court granted a 30-day continuance and set a scheduling conference for September 15, 2025. (“July 29, 2025 Order,” Dkt. No. 28.)

Pursuant to Federal Rule of Civil Procedure 26(f), Local Rule 26, and this Court’s Order Setting Scheduling Conference, the parties were required to file a Joint Rule 26(f) Report “not later than 14 days before [the date of] the [scheduling] conference.” (Order Setting Scheduling Conference at 2.); see also Fed. R. Civ. P. 26(f); L.R. 26. Accordingly, the parties’ Joint Rule 26(f) Report was due September 1, 2025. The parties failed to file a Joint Rule 26(f) Report by the deadline.

Federal Rule of Civil Procedure 41(b) grants the Court authority to *sua sponte* dismiss actions for failure to prosecute or failure to comply with court orders. See Fed. R. Civ. P. 41(b); Wolff v. California, 318 F.R.D. 627, 630 (C.D. Cal. 2016). A plaintiff must prosecute her case with “reasonable diligence” to avoid dismissal pursuant to Rule 41(b). Anderson v. Air W., Inc., 542 F.2d 522, 524 (9th Cir. 1976). Here, it appears that Plaintiff has failed to prosecute the case with reasonable diligence by failing to meet and confer with Defendant and timely file a Joint Rule 26(f) Report. Both parties have failed to comply with this Court’s Order Setting Scheduling Conference and July 29, 2025 Order.

Accordingly, the Court, on its own motion, **ORDERS** the parties file a Joint Rule 26(f) Report no later than **October 7, 2025**. The Scheduling Conference is **CONTINUED** to **October 20, 2025**, at 11:00 a.m. Failure to file a Joint Rule 26(f) Report by **October 7, 2025** will be deemed a failure to prosecute and will result in the dismissal of this action.

**IT IS SO ORDERED.**